

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

MICHAEL TEDESCHI II,

Plaintiff,

v.

MERCHANTS & MEDICAL, INC.

Defendant.

Case No.

NOTICE OF REMOVAL

Defendant Merchants & Medical Credit Corporation, Inc. (captioned as “Merchants & Medical, Inc.”)(“M&M”) hereby gives notice of removal of this action from the State of Michigan’s 96th Judicial District Court to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. §§ 1331, 1441 and 1446.

In support thereof, M&M states as follows:

1. On or about January 14, 2015, Plaintiff Michael Tedeschi II (“Plaintiff”) filed the above captioned civil action in the State of Michigan’s 96th Judicial District Court.
2. M&M was served with the Complaint on January 20, 2015. Accordingly, this Notice of Removal has been timely filed pursuant to 28 U.S.C. § 1446(b).
3. This matter is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be properly removed pursuant to 28 U.S.C. §§ 1441 and 1446, as the claims asserted in the Complaint arise under the laws of the United States and raise one or more federal questions.
4. Plaintiff’s complaint asserts violations of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*, the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681 *et seq.*, and the Michigan Occupational Code (“MOC”), M.C.L. § 339.901 *et seq.*

5. The district courts of the United States have original jurisdiction in civil actions arising under both the FDCPA and the FCRA. Furthermore, this court may exercise supplemental jurisdiction over Plaintiff's state law claims.

7. M&M removes this action to the United States District Court for the Western District of Michigan because it is the venue that encompasses Marquette, Michigan. M&M removes this action without prejudice to M&M's right to seek transfer of this action pursuant to 28 U.S.C. § 1404, if and as appropriate.

8. True and correct copies of the following are attached to this Notice of Removal:

- (a) all process, pleadings and orders which have been served upon Defendant in this action are attached hereto as **Exhibit A** in accordance with 28 U.S.C. § 1446(a); and
- (b) the Notice of Filing of Notice of Removal which has been served upon Plaintiff and filed with the Clerk of Court for the 96th Judicial District Court of Michigan is attached hereto as **Exhibit B** in accordance with 28 U.S.C. § 1446(d).

9. Based upon the foregoing, this action is properly removed on the basis of federal question jurisdiction pursuant to 28 U.S.C. §§ 1331, 1441 and 1446.

WHEREFORE, Defendant Merchants & Medical Credit Corporation, Inc., requests that this action proceed in the United States District Court for the Western District of Michigan.

Respectfully Submitted,

/s/ Charity A. Olson
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Dated: February 17, 2015

CERTIFICATE OF SERVICE

I, Charity A. Olson, hereby certify that on February 17, 2015, a copy of the foregoing Notice of Removal was filed via the Court's ECF system and served via first class mail upon the following:

State of Michigan
96th Judicial District Court
234 W. Baraga Ave.
Marquette, MI 49855

Michael Tedeschi II
380 Pelissier Lake Rd.
Marquette, MI 49855

/s/ Charity A. Olson
Charity A. Olson